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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,202	03/02/2004	Jason T. Griffin	13210-27	2011

1059 7590 03/20/2007  
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CANADA

EXAMINER
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DHARIA, PRABODH M

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/790,202	GRIFFIN, JASON T.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Prabodh M. Dharia	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                           |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03-10-05, 08-16-06</u> | 6) <input type="checkbox"/> Other: _____                                                |

***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on March 10, 2005, and August 16, 2006 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
2. **Status:** Please all replies and correspondence should be addressed to examiner's new art unit 2629. Receipt is acknowledged of papers submitted on 03-02-2004 under new application, which have been placed of record in the file. Claims 1-11 are pending in this action.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Tran, Phat H. (US 20020063684 A1).

Regarding Claim 1, Tran, Phat H teaches a method comprising: canceling detection of a rotation downward of a thumbwheel (page 1, paragraph 14, Lines 1-5) if detection of a depressible input movement of said thumbwheel occurs (page 1, paragraph 15, Lines 7,8,

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paragraph 16, Lines 1-6, page 2, paragraph 18, Lines 4-6, paragraph 19, Lines 1-6, paragraph 21, Lines 1-8) within a predetermined time threshold of detection of said rotation downward (page 2, paragraphs 21-24).

Regarding Claim 2, Tran, Phat H teaches predetermined time threshold is approximately 100 milliseconds (page 2, paragraphs 21-24 range is 50-350 ms).

Regarding Claim 3, Tran, Phat H teaches an article having stored thereon instructions, which when executed by a computing platform (page 1, paragraph 3, Lines 1-3, paragraph 14, Lines 1-7, page 3, claim 1, Lines 1,2, teaches hand-held communication device or mobile device with processor to process software with specific platform such as window to execute instruction) result in: canceling detection of a rotation downward of a thumbwheel if detection of a depressible input movement of said thumbwheel occurs within a predetermined time threshold of detection of said rotation downward (page 1, paragraphs 14-17, page 2, paragraphs 17-21).

5. Claims 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Griffin et al. (US 20030076292 A1).

Regarding Claim 7, Griffin et al. teaches a mobile electronic device (page , 1, paragraph 6, Line 1) comprising: a flat display screen (see figure 7, page 2, paragraph 25, Line 5); a thumbwheel subassembly including a thumbwheel and a switch (page 2, paragraph 24, Lines 2, see figure 6); and a housing having an opening through which said thumbwheel protrudes (page

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1, paragraph 17, Lines 1,2,5), wherein said thumbwheel subassembly is oriented so that a direction of depressible input movement of said thumbwheel (page 1, paragraph 20), when projected onto a plane substantially parallel to a plane of said flat display screen (page 1, paragraph 4, teaches thumb wheel could be oriented horizontally, i.e. when projected onto a plane substantially parallel to a plane of said flat display screen, a vertical axis, when projected onto a plane substantially perpendicular or orthogonal to a plane of said flat display screen), is substantially aligned with a direction of a push by a user's thumb or finger that includes a measurable component of downward force (page 1, paragraphs 20,21).

Regarding Claim 8, Griffin et al. teaches a mobile electronic device (page , 1, paragraph 6, Line 1) comprising: a flat display screen (see figure 7, page 2, paragraph 25, Line 5); a thumbwheel subassembly including a thumbwheel and a switch (page 2, paragraph 24, Lines 2, see figure 6); and a housing having an opening through which said thumbwheel protrudes (page 1, paragraph 17, Lines 1,2,5), wherein said thumbwheel subassembly is oriented so that a direction of depressible input movement of said thumbwheel (page 1, paragraph 20), when projected onto a plane substantially parallel to a plane of said flat display screen (page 1, paragraph 4, teaches thumb wheel could be oriented horizontally, i.e. when projected onto a plane substantially parallel to a plane of said flat display screen, a vertical axis, when projected onto a plane substantially perpendicular or orthogonal to a plane of said flat display screen), is at an angle in a range of approximately 2 degrees to approximately 10 degrees with respect to a direction from a first point on a side of said housing having said opening to a second point directly across from said first point on an opposite side of said housing (page 1, paragraphs 17-

21).

Regarding Claim 9, Griffin et al. teaches angle is in a range of approximately 3 degrees to approximately 8 degrees (page 1, paragraph 19, 20, 0-45 degrees).

Regarding Claim 10, teaches angle is in a range of approximately 4 degrees to approximately 6 degrees (page 1, paragraph 19, 20, 0 to 45 degrees).

Regarding Claim 11, teaches angle is approximately 5 degrees (page 1, paragraph 19, 20, 0 to 45 degrees).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al. (US 20030076292 A1) in view of Tran, Phat H. (US 20020063684 A1).

Regarding Claim 4, Griffin et al. teaches a mobile electronic device (page, 1, paragraph 6, Line 1) comprising: a flat display screen (see figure 7, page 2, paragraph 25, Line 5); a thumbwheel subassembly including a thumbwheel and a switch (page 2, paragraph 24, Lines 2,

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see figure 6); and a housing having an opening through which said thumbwheel protrudes (page 1, paragraph 17, Lines 1,2,5), and a microprocessor inside said housing (page 2, paragraph 25, Lines 3,4).

However, Griffin et al. fails to teach a processor to compensate for inadvertent rolling of said thumbwheel down by a user while said user pushes said thumbwheel inwards.

However, Tran, Phat H recites and discloses a processor (page 1, paragraph 3, Lines 1-3, paragraph 14, Lines 1-7, page 3, claim 1, Lines 1,2, teaches hand-held communication device or mobile device with processor to process software with specific platform such as window to execute instruction) to compensate for inadvertent rolling of said thumbwheel down by a user while said user pushes said thumbwheel inwards (page 1, paragraphs 14-17, page 2, paragraphs 17-21).

Thus it would have been obvious to one in the ordinary skill in the art at the time of invention was made to incorporate the teaching of Tran, Phat H in the teaching of Griffin et al. to be able to have a hand held electronic device would detect and monitor overall activities of thumbwheel for a predetermined time threshold of detection of said rotation downward and report to processor to process specific software application.

Regarding Claim 5, Tran, Phat H teaches microprocessor (page 1, paragraph 3, Lines 1-3, paragraph 14, Lines 1-7, page 3, claim 1, Lines 1,2, teaches hand-held communication device or mobile device with processor to process software with specific platform such as window to execute instruction) is to canceling detection of a rotation downward of a thumbwheel (page 1, paragraph 14, Lines 1-5) if detection of a depressible input movement of said thumbwheel occurs

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(page 1, paragraph 15, Lines 7,8, paragraph 16, Lines 1-6, page 2, paragraph 18, Lines 4-6, paragraph 19, Lines 1-6, paragraph 21, Lines 1-8) within a predetermined time threshold of detection of said rotation downward (page 2, paragraphs 21-24).

Regarding Claim 6, Tran, Phat H teaches predetermined time threshold is approximately 100 milliseconds (page 2, paragraphs 21-24 range is 50-350 ms).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fleck; David C et al. (US 6154196 A) Coordinate input device convertible between right-handed and left-handed modes.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M. Dharia whose telephone number is 571-272-7668. The examiner can normally be reached on M-F 8AM to 5PM.

10. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR



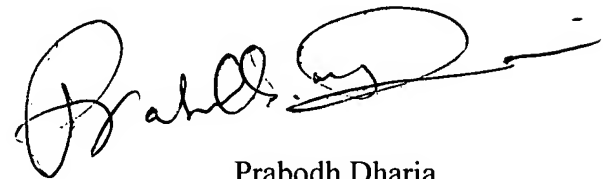
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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

A handwritten signature in black ink, appearing to read 'Prabodh Dharia', with a long horizontal flourish extending to the right.

Prabodh Dharia

Partial Signatory Authority

AU 2629

March 07, 2007